

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 92-cr-81058-10  
Hon. Matthew F. Leitman

D10, EDWIN CULP,

Defendant.

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**ORDER DENYING DEFENDANT'S MOTION TO REDUCE SENTENCE  
(ECF No. 943), SUPPLEMENTAL FIRST STEP ACT MOTION (ECF No.  
1034), AND MOTION TO APPOINT COUNSEL (ECF No. 1036)**

Defendant Edwin Culp is a federal prisoner in the custody of the Federal Bureau of Prisons. In 1998, Culp was convicted of (1) intentional killing in violation of 21 U.S.C. § 848(e)(1)(A) and (2) using or carrying a firearm in violation of 18 U.S.C. § 924(c). *See United States v. Culp*, 9 F. App'x 335, 337 (6th Cir. 2001).

Culp has filed three *pro se* motions that are now before the Court. First, Culp filed a motion to reduce his sentence on January 3, 2020. (*See* Mot., ECF No. 943.) In that motion, he asks the Court to reduce his sentence pursuant to the First Step Act of 2018, which permits courts to reduce sentences for certain covered drug offenses. (*See id.*, PageID.1721.) The Government filed a response to that motion on August 22, 2022. (*See* Resp., ECF No. 1035.) Second, Culp filed a “Supplemental First Step Act Motion” on August 4, 2022. (*See* Supp. Mot., ECF No.

1034.) In that motion, Culp urges this Court to consider the Supreme Court’s recent decision in *Concepcion v. United States* in determining whether to reduce his sentence under the First Step Act. (See *id.*, PageID.3362.) Finally, on August 25, 2022, Culp filed a motion asking the Court to appoint counsel to argue his motion for a sentence reduction under the First Step Act. (See Counsel Mot., ECF No. 1036.)

The Court has carefully reviewed Culp’s motions and declines to grant any of the relief requested. Culp is not eligible for a reduced sentence under the First Step Act because, as the Government accurately notes, that Act did not lower the penalties for the offenses Culp was actually convicted of – intentional killing in furtherance of a continuing criminal enterprise and possession or use of a firearm in the course of a drug trafficking crime. (See Resp., ECF No. 1035, PageID.3365.) The Court will therefore deny Culp’s motion for a sentence reduction under the First Step Act.

Culp’s supplemental motion is similarly unavailing, as he has not explained how the Supreme Court’s decision in *Concepcion* entitles him to relief under the First Step Act. In *Concepcion*, the Court held that district courts may consider “intervening changes of law or fact” in determining whether a defendant’s sentence should be reduced under the First Step Act. *Concepcion v. United States*, 142 S. Ct. 2389, 2393 (2022). But Culp has not identified any “intervening changes of law or fact” in this case that suggest a different result.

Finally, Culp has not persuaded the Court that counsel should be appointed to argue the issues raised in his other motions.

For the reasons explained above, Culp's motion to reduce his sentence (ECF No. 943), supplemental First Act motion (ECF No. 1034), and motion to appoint counsel (ECF No. 1036) are **DENIED**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: October 26, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 26, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126